

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

JEFFREY NUZIARD, et al.,

Plaintiffs,

v.

Case No. 4:23-cv-00278-P

MINORITY BUSINESS
DEVELOPMENT AGENCY, et al.,

Defendants.

PLAINTIFFS' UNOPPOSED MOTION TO AMEND THE FINAL JUDGMENT

Plaintiffs, through their undersigned attorneys, respectfully submit this unopposed motion to request clarification on, and amendment to, the Court's Order and Final Judgment in so far as Plaintiffs' award for costs in the amount of **\$423.66** may have been mistaken. *See* ECF 71 & 72. Plaintiffs respectfully show as follows:

On March 19, 2024, Plaintiffs submitted their application for attorneys' fees and expenses pursuant to the Court's Order for Plaintiffs to submit evidence and briefing on the matter. *See* ECF 63 & 64. In addition to attorneys' fees, Plaintiffs' application detailed a reimbursement request for expenses in the total amount of **\$2,749.50**. ECF 64:18–19; 64-2: ¶¶ 15–16.

On April 26, 2024, following responsive briefing by the parties on the matter of Plaintiffs' request for fees and expenses, *see* ECF 67 & 70, the Court issued its decision and Order, granting Plaintiffs' request for attorneys' fees in the amount of \$357,542.98 and costs in the amount of \$423.66. ECF 71.

In its decision, the Court explains that “the Government did not put up a fight” as to Plaintiffs’ request for expenses and that “Plaintiffs are entitled to **full recovery** of the costs requested.” ECF 71:16 (emphases added). The Court cites only to a footnote in the Affidavit of Attorney Jason Nash (local counsel in this case), to note Plaintiffs’ filing fee for the Complaint (\$402.00) and two parking expenses (\$10.83 each) as incurred by Attorney Nash and charged to Plaintiffs. *Id.* (citing ECF 64-1:9 n.4).

However, while these several charges were indeed incurred by Attorney Nash and charged to Plaintiffs, Plaintiffs ultimately declined to seek any reimbursement for travel expenses, including parking fees, (as well as other typically recoverable expenses). ECF 64:18; 64-2: ¶ 15. Instead, Plaintiffs’ reimbursement request was intended to be “limited only to those expenses pertaining to fees for filing, service, docketing, and deposition transcripts—a total expense request in the amount of \$2,749.50.” ECF 64:18; 64-2: ¶ 15 (detailing a chart of those expenses for which reimbursement is requested).

On April 30, 2024, counsel for Defendants indicated that Defendants would not oppose Plaintiffs’ motion to request clarification on, and amendment to, the Court’s Order and Final Judgment in so far as the award for costs in the amount of \$423.66 may have been misunderstood against Plaintiffs’ request for \$2,749.50 in expense costs.

The Court’s decision and awarding of costs in the amount of \$423.66 does not appear to correspond to, or address, Plaintiffs’ request for \$2,749.50, suggesting that there may be some misunderstanding. Plaintiffs apologize for any confusion, and, to the extent Plaintiffs’ full request for expenses may not have been fully considered, Plaintiffs respectfully request the Court to clarify

and increase Plaintiffs' award for costs, so as to reflect a full recovery of expenses in the amount of \$2,749.50.¹

¹ Plaintiffs are **not** requesting that the Court's Order and Final Judgment respecting Plaintiffs' award for *attorneys' fees* be disturbed in any way. Rather, Plaintiffs' request here pertains only to the award for costs to the extent the matter may not have been fully considered previously.

Dated: May 1, 2024

Respectfully submitted,

WISCONSIN INSTITUTE FOR
LAW & LIBERTY, INC.

s/ Cara Tolliver

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CERTIFICATE OF SERVICE

I hereby certify that on May 1, 2024, a copy of the foregoing was filed electronically with the Clerk of the Court using the CM/ECF system, sending notice to all attorneys of record.

s/ Cara Tolliver

Cara M. Tolliver